1947

File No. Irrig II 143

Legal Dept

B. BRANCH

Subject:— Rules and Notifications under the Bombay Irrigation Act 1879

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Office of the R.L.A.

Rule 14 of the rules for the supply of water from the salsette Water Supply provides that the mater shall be provided and fixed at the cost of Government. Rules 14(a) and 14(b) refer to private meters. There are thus two kinds of meters, namely, those provided and fixed at the cost of Government and those which are private meters. It will be open to the Government to remove the meters provided by it and use them for any purpose it likes but it does not appear that it can remove private meters unless the owners thereof have consented to their removal. The position therefore is that so far as Government meters are concerned their removal for any purpose whatsoever will be lawful only if the owners thereof have consented to their removal. The word "lawfully" may therefore be inserted before the word "removed" in the amendment suggested by the Deputy Secretary, P.W.D. in his note dated 2nd February 1943 at page 15 ante so as to exclude the case of private meters, the owners of which do not consent to the removal thereof.

and so far as private meters are concerned their removal will be lawful.

Id/- P.N.M.
20/2

Remembrancer of Legal Affairs.

U.R.to P.W.D.No.1365, dated the 22nd February 1943.

RHB.
16.7.

Office of the R.L.A.

The proposal is to invest the Deputy Engineer in charge of the Haveri Irrigation Sub-Divisional Office with powers under section 86 of the Bombay Irrigation Act, 1879. Under clause (b) of section 4 the Provincial Government mayinvest any servant of the Crown in any department, eitner personally, or in right of ~~th~~ his office with such powers, and impose upon him such duties, under the Act, as the Provincial Government may deem fit. A Canal Officer is defined in section 3(6) as any officer lawfully appointed or invested with powers under section 4. As soon therefore as the DeputyEnginoer is invested under section 4(b) with powers under section 86, he becomes a Canal Officer and no further notification appointing him as such is necessary.

2. Arevised draft notification for the purpose is ~~xxxxxxx~~ sent herewith.

Id/- P.N.M.
2/4
Remembrancer of Legal Affairs.

U.R. to G.D.No.2467, dated 3rd April 1913.

RHB.
16.7.

10/8